

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEITH HOOVER,

Plaintiff,

v.

3:07-cv-0009

COUNTY OF BROOME, et al,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

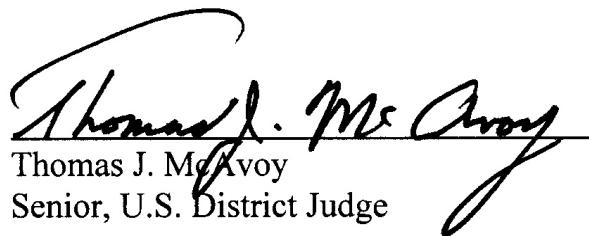
Plaintiff Keith Hoover commenced the instant action pursuant to 42 U.S.C. § 1983 claiming that he was retaliated against for engaging in protected speech (reporting the assault of an inmate by corrections officers at the Broome County Jail) and denied various other rights. Presently before the Court is Plaintiff's application for an Order to Show Cause why Lourdes Hospital should not release the medical records of the inmate who is alleged to have been assaulted [Dkt. No. 16]. Plaintiff contends that such records are necessary for the upcoming hearing on his motion for a preliminary injunction.

Plaintiff's motion is DENIED without prejudice because: (1) Plaintiff has made an insufficient showing of the efforts he made to obtain the records (a few telephone calls is inadequate); (2) Plaintiff has failed to serve a copy of the request for medical information on the inmate whose privacy interests are at stake here; (3) Plaintiff has failed to serve a copy of

the motion on Lourdes Hospital; and (4) discovery motions are to be made before the assigned Magistrate Judge.

IT IS SO ORDERED.

Dated:February 7,2007



Thomas J. McAvoy
Senior, U.S. District Judge